

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

HANAI et al

Atty. Ref.: **249-255**

Serial No. **Unknown**

Group:

National Phase of: **PCT/JP00/06774**

International Filing Date: **29 September 2000**

Filed: **March 29, 2002**

Examiner:

For: **COMPLEMENTARY DETERMINING REGION-GRAFTED
ANTIBODY AGAINST GANGLIOSIDE GD3 AND
DERIVATIVE OF ANTIBODY AGAINST GANGLIOSIDE
GD3**

* * * * *

April 1, 2002

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

SECOND SUBMISSION

It has come to the attention of the undersigned that copies of the Budapest Treaty Deposit receipts relating to FERM BP-6918, FERM BP-6791 & BP-6790 may not have been included as indicated under item 20 on the attached copy of the Transmittal Letter dated March 29, 2002. Copies thereof are submitted herewith.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By:



B. J. Sadoff

Reg. No. **36,663**

BJS:Imy

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Arlington, VA 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100

FORM PTO-1390 (REV 11-2000)	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTORNEY'S DOCKET NUMBER 249-255
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371		U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5) Unknown
INTERNATIONAL APPLICATION NO. PCT/JP00/06774	INTERNATIONAL FILING DATE 29 September 2000	PRIORITY DATE CLAIMED 30 September 1999

TITLE OF INVENTION

COMPLEMENTARY DETERMINING REGION-GRAFTED ANTIBODY AGAINST GANGLIOSIDE GD3 AND DERIVATIVE OF ANTIBODY AGAINST GANGLIOSIDE GD3

APPLICANT(S) FOR DO/EO/US

HANAI et al

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☒ The U.S. has been elected by the expiration of 19 months from the priority date (Article 31).
5. A copy of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☒ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☒ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has **NOT** expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ A English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

COPY

Items 11 To 20 below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98.
12. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 C.F.R. 3.28 and 3.31 is included.
13. ☐ A **FIRST** preliminary amendment.
14. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
15. ☐ A substitute specification.
16. ☐ A change of power of attorney and/or address letter.
17. ☒ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821-1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information. PTO -1449 and copy of International Search Report and a paper copy of Sequence Listing; Budapest Treaty Deposit receipts relating to FERM BP-6918, FERM BP-6791 & FERM BP6790

U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5) <div style="text-align: center;">Unknown</div>	INTERNATIONAL APPLICATION NO. <div style="text-align: center;">PCT/JP00/06774</div>	ATTORNEY'S DOCKET NUMBER <div style="text-align: center;">249-255</div>
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21. <input checked="" type="checkbox"/> The following fees are submitted: <div style="margin-top: 10px;"> BASIC NATIONAL FEE (37 C.F.R. 1.492(a)(1)-(5): -- Neither international preliminary examination fee (37 C.F.R. 1.482) nor international search fee (37 C.F.R. 1.445(a)(2)) paid to USPTO and international Search Report not prepared by the EPO or JPO\$1040.00 -- International preliminary examination fee (37 C.F.R. 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO.....\$890.00 -- International preliminary examination fee (37 C.F.R. 1.482) not paid to USPTO but international search fee (37 C.F.R. 1.445(a)(2)) paid to USPTO\$740.00 -- International preliminary examination fee (37 C.F.R. 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4).....\$710.00 -- International preliminary examination fee (37 C.F.R. 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4).....\$100.00 <div style="text-align: right; margin-top: 10px;">ENTER APPROPRIATE BASIC FEE AMOUNT =</div> </div> <div style="margin-top: 10px;"> Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 C.F.R. 1.492(e)). </div> <table border="1" style="width:100%; border-collapse: collapse; margin-top: 10px;"> <tr> <th style="width:20%;">CLAIMS</th> <th style="width:20%;">NUMBER FILED</th> <th style="width:20%;">NUMBER EXTRA</th> <th style="width:20%;">RATE</th> <th style="width:20%;"></th> </tr> <tr> <td>Total Claims</td> <td>66</td> <td>-20 =</td> <td>46</td> <td>X \$18.00</td> </tr> <tr> <td>Independent Claims</td> <td>2</td> <td>-3 =</td> <td>0</td> <td>X \$84.00</td> </tr> <tr> <td colspan="4">MULTIPLE DEPENDENT CLAIMS(S) (if applicable)</td> <td>\$280.00</td> </tr> </table> <div style="text-align: right; margin-top: 10px;">TOTAL OF ABOVE CALCULATIONS =</div> <div style="margin-top: 10px;"> <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2. </div> <div style="text-align: right; margin-top: 10px;">SUBTOTAL =</div> <div style="margin-top: 10px;"> Processing fee of \$130.00, for furnishing the English Translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 C.F.R. 1.492(f)). </div> <div style="text-align: right; margin-top: 10px;">TOTAL NATIONAL FEE =</div> <div style="margin-top: 10px;"> Fee for recording the enclosed assignment (37 C.F.R. 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 C.F.R. 3.28, 3.31). \$40.00 per property </div> <div style="margin-top: 10px;"> Fee for Petition to Revive Unintentionally Abandoned Application (\$1280.00 - Small Entity = \$640.00) </div> <div style="text-align: right; margin-top: 10px;">TOTAL FEES ENCLOSED =</div>	CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		Total Claims	66	-20 =	46	X \$18.00	Independent Claims	2	-3 =	0	X \$84.00	MULTIPLE DEPENDENT CLAIMS(S) (if applicable)				\$280.00	<div style="text-align: center; border-bottom: 1px solid black; padding-bottom: 5px;">CALCULATIONS</div> <div style="text-align: center; font-size: small; padding-top: 5px;">PTO USE ONLY</div> <table border="1" style="width:100%; border-collapse: collapse; margin-top: 10px;"> <tr> <td style="width:10%;"></td> <td style="width:10%; text-align: right;">\$</td> <td style="width:40%; text-align: right;">890.00</td> <td style="width:10%;"></td> <td style="width:10%;"></td> </tr> <tr> <td></td> <td style="text-align: right;">\$</td> <td style="text-align: right;">0.00</td> <td></td> <td></td> </tr> <tr> <td></td> <td style="text-align: right;">\$</td> <td style="text-align: right;">828.00</td> <td></td> <td></td> </tr> <tr> <td></td> <td style="text-align: right;">\$</td> <td style="text-align: right;">0.00</td> <td></td> <td></td> </tr> <tr> <td></td> <td style="text-align: right;">\$</td> <td style="text-align: right;">0.00</td> <td></td> <td></td> </tr> <tr> <td></td> <td style="text-align: right;">\$</td> <td style="text-align: right;">1718.00</td> <td></td> <td></td> </tr> <tr> <td></td> <td style="text-align: right;">\$</td> <td style="text-align: right;">0.00</td> <td></td> <td></td> </tr> <tr> <td></td> <td style="text-align: right;">\$</td> <td style="text-align: right;">1718.00</td> <td></td> <td></td> </tr> <tr> <td></td> <td style="text-align: right;">\$</td> <td style="text-align: right;">40.00</td> <td></td> <td></td> </tr> <tr> <td></td> <td style="text-align: right;">\$</td> <td style="text-align: right;">0.00</td> <td></td> <td></td> </tr> <tr> <td></td> <td style="text-align: right;">\$</td> <td style="text-align: right;">1758.00</td> <td></td> <td></td> </tr> </table> <table border="1" style="width:100%; border-collapse: collapse; margin-top: 10px;"> <tr> <td style="width:70%;"></td> <td style="width:10%; text-align: right;">Amount to be:</td> <td style="width:10%;"></td> <td style="width:10%;"></td> </tr> <tr> <td></td> <td style="text-align: right;">refunded</td> <td style="text-align: right;">\$</td> <td></td> </tr> <tr> <td></td> <td style="text-align: right;">Charged</td> <td style="text-align: right;">\$</td> <td></td> </tr> </table>		\$	890.00				\$	0.00				\$	828.00				\$	0.00				\$	0.00				\$	1718.00				\$	0.00				\$	1718.00				\$	40.00				\$	0.00				\$	1758.00				Amount to be:				refunded	\$			Charged	\$	
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a. ☒ A check in the amount of \$1758.00 to cover the above fees is enclosed.

b. ☐ Please charge my Deposit Account No. 14-1140 in the amount of \$_____ to cover the above fees. A duplicate copy of this form is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-1140. A duplicate copy of this form is enclosed.

d. ☒ The entire content of the foreign application(s), referred to in this application is/are hereby incorporated by reference in this application.

NOTE: Where an appropriate time limit under 37 C.F.R. 1.494 or 1.495 has not been met, a petition to revive (37 C.F.R. 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

NIXON & VANDERHYE P.C.
 1100 North Glebe Road, 8th Floor
 Arlington, Virginia 22201-4714
 Telephone: (703) 816-4000

SIGNATURE

B. J. Sadoff

NAME

36,663

REGISTRATION NUMBER

March 29, 2002

Date

特許手続上の微生物の寄託の国際的承認
に関するブダペスト条約

下記国際寄託当局によって規則7.1に従い
発行される。

原寄託についての受託証

氏名(名称) 協和醗酵工業株式会社
取締役社長 平田 正 殿

寄託者

あて名 〒

東京都千代田区大手町一丁目6番1号

BUDAPEST TREATY ON THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF
MICROORGANISMS FOR THE PURPOSES OF
PATENT PROCEDURE

RECEIPT IN THE CASE OF AN ORIGINAL
DEPOSIT

issued pursuant to Rule 7.1 by the
INTERNATIONAL DEPOSITARY AUTHORITY
identified at the bottom of this
page.

1. 微生物の表示	
(寄託者が付した識別のための表示) KM871-hIL2	(受託番号) FERM BP- 6918
2. 科学的性質及び分類学上の位置	
1 欄の微生物には、次の事項を記載した文書が添付されていた。	
<input checked="" type="checkbox"/> 科学的性質 <input checked="" type="checkbox"/> 分類学上の位置	
3. 受領及び受託	
本国際寄託当局は、平成11年10月19日(原寄託日)に受領した1 欄の微生物を受託する。	
4. 移管請求の受領	
本国際寄託当局は、 年 月 日(原寄託日)に1 欄の微生物を受領した。 そして、 年 月 日に原寄託よりブダペスト条約に基づく寄託への移管請求を受領した。	
5. 国際寄託当局	
通商産業省工業技術院生命工学工業技術研究所 名称: National Institute of Bioscience and Human-Technology Agency for Industrial Science and Technology 所長 大塚 信 Dr. Shinobu Otsuka Director-General あて名: 日本国茨城県つくば市東1丁目1番6号 (郵便番号305-8566) 1-3, Higashi 1-chome Tsukuba-shi Ibaraki-ken 305-8566, JAPAN 平成11年(1999)10月19日	

特許手続上の微生物の寄託の国際的承認
に関するブダペスト条約

BUDAPEST TREATY ON THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF
MICROORGANISMS FOR THE PURPOSES OF
PATENT PROCEDURE

下記国際寄託当局によって規則7.1に従い
発行される。

RECEIPT IN THE CASE OF AN ORIGINAL
DEPOSIT

issued pursuant to Rule 7.1 by the
INTERNATIONAL DEPOSITARY AUTHORITY
identified at the bottom of this
page.

原寄託についての受託証

氏名 (名称)

協和醗酵工業株式会社

取締役社長 平田 正

殿

寄託者

あて名 〒

東京都千代田区大手町一丁目6番1号

1. 微生物の表示

(寄託者が付した識別のための表示)

KM8871h1L2

(受託番号)

FERM BP- 6791

2. 科学的性質及び分類学上の位置

1株の微生物には、次の事項を記載した文書が添付されていた。

- 科学的性質
- 分類学上の位置

3. 受領及び受託

本国際寄託当局は、平成11年 7 月 22 日 (原寄託日) に受領した1株の微生物を受託する。

4. 移管請求の受領

本国際寄託当局は、 年 月 日 (原寄託日) に1株の微生物を受領した。
そして、 年 月 日 に原寄託よりブダペスト条約に基づく寄託への移管請求を受領した。

5. 国際寄託当局

通商産業省工業技術院生命工学工業技術研究所

名称: National Institute of Advanced Industrial Science and Technology
Agency for Industrial Science and Technology

所長 大箸 信

Dr. Shinobu Oshiki Director-General

あて名: 日本国茨城県つくば市1丁目1番1号 (郵便番号305-8566)

1-3, Higashi 1 chome Tsukuba-shi Ibaraki-ken

305-8566, JAPAN

平成11年 (1999) 7月22日

BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT

issued pursuant to Rule 7.1 by the INTERNATIONAL DEPOSITARY AUTHORITY identified at the bottom of this page.

特許手続上の微生物の寄託の国際的承認
に関するブダペスト条約

下記国際寄託当局によって規則 7. 1 に従い
発行される。

原寄託についての受託証

氏名 (名称) 協和醗酵工業株式会社
取締役社長 平田 正

寄託者 殿

あて名 〒 東京都千代田区大手町一丁目6番1号

1. 微生物の表示

(寄託者が付した識別のための表示)

KMB871

(受託番号)

FERM BP- 6790

2. 科学的性質及び分類学上の位置

1 株の微生物には、次の事項を記載した文書が添付されていた。

- 科学的性質
- 分類学上の位置

3. 受領及び受託

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4. 移管請求の受領

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そして、 年 月 日に原寄託よりブダペスト条約に基づく寄託への移管請求を受領した。

5. 国際寄託当局

通商産業省工業技術院生命工学工業技術研究所

名称: National Institute of Advanced Industrial Science and Technology
Agency of Industrial Science and Technology

所長 大塚 信 Dr. Shinobu Otsuka Director-General

あて名: 日本国茨城県つくば市 1-3-1 (郵便番号 305-8566)
1-3, Higashi 1 chome Tsukuba-shi Ibaraki-ken
305-8566, JAPAN

平成 11 年 (1999) 7 月 22 日

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AUG 21 2002
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The PTO did not receive the following
listed item(s)

NO POST CARD